



PATENT APPLICATION
Mo-6580
LeA 34,821

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
)
MARTIN ADAMCZEWSKI ET AL)
)
SERIAL NUMBER: 09/941,179)
)
FILED: AUGUST 27, 2001)
)
TITLE: ACETYLCHOLINE RECEPTOR)
SUBUNITS)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

This paper is in response to a Notice to File Missing Parts of Nonprovisional Application issued in this case dated October 24, 2001. A two month period for response was set, bringing a response to be due on or before December 24, 2001. A three month petition for extension of time is being filed concurrently herewith, bringing a response to be due on or before Sunday, March 24, 2002 which is extended by operation 37 C.F.R. Section 1.7 to Monday, March 25, 2002.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an enveloped addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 3-21-02
Date

Raymond J. Harmuth Reg. No. 33,896
Name of applicant, assignee or Registered Representative

Raymond J. Harmuth
Signature
March 21, 2002
Date

Missing Executed Declaration

The Notice to File Missing Parts stated that the oath or declaration was missing. In response, Applicants are filing herewith a Combined Declaration and Power of Attorney, executed by all of the inventors to complete the subject application.

Also enclosed is a copy of the Formalities Letter as required including the Raw Sequence Listing Error Report that was attached thereto.

Please charge the filing fee for filing the Declaration on a date later than the filing date, \$130.00 to Deposit Account Number 13-3848, as well as the three month fee for Extension of Time to respond to the Notice to File Missing Parts. This paper submitted in triplicate, is also authorization to charge any insufficiency of fees which may be required by this paper to Deposit account Number 13-3848.

Correction of Sequence Listing

The Notice to File Missing Parts also stated that although a copy of the Sequence Listing in computer readable form was submitted, the content of the computer readable form does not allegedly comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the marked-up Raw Sequence Listing attached to the Notice to File Missing Parts. The Notice to File Missing Parts stated that Applicants must provide a substitute computer readable form copy of the Sequence Listing and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and includes no new matter as required by 37 C.F.R. Section 1.821(e-g) and 1.825(b) and 1.825(d).

In response Applicants are filing herewith a substitute Sequence Listing for the nucleotide/amino acid sequence(s) in this application and 3.5 inch labeled diskette having thereon a substitute computer readable form copy of the substitute Sequence Listing. The attached diskette is labeled in accordance with 37 C.F.R. 1.824(a)(6) and is submitted in the American Standard Code for Information Interchange (ASCII) text.

Herein below is the requested statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing as required by 37 C.F.R. Section 1.821(g). Because this submission is made in fulfilling the requirement under 37 C.F.R. 1.821(g), also included herein below is a statement that the submission includes no new matter.

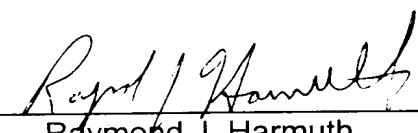
Statement that Sequence Listing and Computer Readable Copy Thereof Are the Same And That Papers Submitted Includes No New Matter

I, Raymond J. Harmuth, Esq., Registration No. 33,896 hereby state:

1. That I am an attorney of record in this case and am so identified in the Combined Declaration and Power of Attorney being filed concurrently herewith;
2. That the substitute computer readable form being submitted concurrently herewith is identical to the written substitute Sequence Listing also being submitted concurrently herewith;
3. That the amendments made in the substitute sheets of the Sequence Listing are supported in the application, as filed, and that the substitute sheets of the Sequence Listing do not include new matter.

Having complied with all of the outstanding requirements, Applicants request that the file be forwarded for examination.

Respectfully submitted,

By 
Raymond J. Harmuth
Attorney for Applicants
Reg. No. 33,896

Bayer Corporation
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-8366
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s:/sr/rjh0086



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20503
WWW.USPTO.GOV

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09 941,179	08/27/2001	Martin Adamezewski	Mo-6580 LeA 34,821

00157
BAYER CORPORATION
PATENT DEPARTMENT
100 BAYER ROAD
PITTSBURGH, PA 15205



CONFIRMATION NO. 7071

FORMALITIES LETTER



000000000696672

Date Mailed: 10/24/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

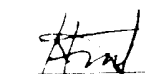
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



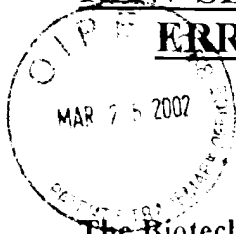
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



RAW SEQUENCE LISTING **ERROR REPORT**



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

09/941,179

Source:

OIPF

Date Processed by STIC:

9/18/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER**
VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>



OIPE

RAW SEQUENCE LISTING

DATE: 09/18/2001

PATENT APPLICATION: US/09/941,179

TIME: 11:34:11

Input Set : A:\sequence-text.txt

Output Set: N:\CRF\09182001\I941179.raw

Completed
the file

3 <110> APPLICANT: Bayer Aktiengesellschaft
5 <120> TITLE OF INVENTION: Acetylcholine receptor subunits
7 <130> FILE REFERENCE: LA A 34
9 <140> CURRENT APPLICATION NUMBER: US/09/941,179
10 <141> CURRENT FILING DATE: 2001-08-27
12 <150> PRIOR APPLICATION NUMBER: E 100 42 177.6
13 <151> PRIOR FILING DATE: 2000-08-18
15 <160> NUMBER OF SEQ ID NOS: 17
17 <170> SOFTWARE: PatentIn Ver. 1.1

ERRORED SEQUENCES

1056 <210> SEQ ID NO: 17
1057 <211> LENGTH: 75
1058 <212> TYPE: DNA
1059 <213> ORGANISM: Artificial Sequence
1061 <220> FEATURE:
1062 <223> OTHER INFORMATION: Description of Artificial Sequence: Primer
1064 <400> SEQUENCE: 17
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E--> 1066 tgaccactc ccgc
E--> 1068 1

delete

<210> 3

<211> 622

<212> PRT

<213> Artificial Sequence

<223> Description of Artificial Sequence: Modified alpha
4 subunit of the chicken nicotinic acetylcholine
receptor

<400> 3



62207 Artificial 07 sequences 62217,
62227,
62237
62247

Copy to the database then use the information
to check for similar errors.
sequences for similar errors.

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/941,179

DATE: 09/18/2001

TIME: 11:35:11

Input Sequence: A:\sequence-text.txt

Output File: N:\CRF3\09182001\I941179.raw

Current Application Number differs, Replaced Application Number
 Current Filing Date differs, Replaced Current Filing Date
 W: Mandatory Feature missing, <220> FEATURE:
 W: Mandatory Feature missing, <220> FEATURE:
 W: Mandatory Feature missing, <220> FEATURE:
 E: No. of Bases: 75 LENGTH: Input: 0 Counted: 75 SEQ: 17
 End of SeqN: 17